

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICHARD B. FOX,

Plaintiff-Appellant,

v.

HCA HOLDINGS, INC.,

Defendant-Appellee.

No. 15-17342

D.C. No. 5:15-cv-02073-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy H. Koh, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Richard B. Fox appeals pro se from the district court's judgment dismissing his action alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under Federal Rule of Civil

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Procedure 12(b)(6). *Hebbe v. Pliler*, 627 F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Fox's action because Fox failed to allege facts in his amended complaint sufficient to state a claim for violations of, or conspiracy to violate, RICO. *See Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 557 (9th Cir. 2010) (elements of a RICO claim under 18 U.S.C. § 1962(c)); *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004) (a court is not required to accept as true a complaint's conclusory allegations, unwarranted deductions of fact, or unreasonable inferences).

Fox's requests that this court vacate its prior disposition in *Fox v. Good Samaritan Hosp. LP*, 467 Fed. App'x 731 (9th Cir. 2012) set forth in his opening and reply briefs are denied.

We do not consider arguments or allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.